

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DERICK OWUSU,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

CASE NO. 2:21-cv-00500-RSM-BAT

**ORDER OF DISMISSAL**

The Court has reviewed the Report and Recommendation and Mr. Owusu's over-length Objections. The Court finds no basis for an evidentiary hearing and finds no error in Judge Tsuchida's Report and Recommendation. The Court agrees with Judge Tsuchida that the state courts reasonably determined Petitioner failed to establish his counsel performed deficiently and also that Petitioner has failed to satisfy the *Strickland* prejudice prong. *See* Dkt. #15 at 13–15.

Having reviewed the above and the remainder of the record, the Court accordingly FINDS and ORDERS:

- 1) Mr. Owusu's Motion to file over-length Objections, Dkt. #23, is GRANTED.
- 2) The Court ADOPTS the Report and Recommendation, Dkt. #15, denies appointment of counsel, and DISMISSES the case with prejudice.

1           3) No reasonable jurist could conclude that the issues presented are adequate to  
2           proceed further. Issuance of a certificate of appealability is therefore denied.

3           4) The Clerk is directed to send copies of this Order to the parties.

4           DATED this 11<sup>th</sup> day of May, 2022.

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7           RICARDO S. MARTINEZ  
8           CHIEF UNITED STATES DISTRICT JUDGE  
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